

### Remarks

Reconsideration and reexamination of the above-identified patent application are respectfully requested. Claims 1, 3-5, 7-9, 11-14, and 16-17 are pending in this application.

#### Claim Rejections – 35 U.S.C. § 112

In the final Office Action, the Examiner rejected claims 1, 3-5, 7-9, 11-14, and 16-17 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite. The Examiner posited that in claim 1, lines 18-20, the claimed “wherein the off-board control system is arranged to set a variable operating value based on the information in the input signal and the information representative of vehicle usage” is ambiguous. The Examiner posited that neither the claim nor the specification specifically teach how the vehicle usage can be used at the off-board control system to set a variable operating value. The Examiner summed up the Examiner’s position by positing that it is not clear how the vehicle usage data should be used to set a variable operating value.

The Applicant respectfully traverses this rejection and believes that the claim and the specification specifically teach how the off-board control system sets a variable operating value based on the (1) the information in the input signal and (2) the information representative of vehicle usage. Page 9, line 21 through page 11, line 14 of the specification discloses how the off-board control system sets a variable operating value based on the information representative of vehicle usage.

Specifically, page 10, lines 9-17 of the specification teaches that information representative of how an individual accesses a device within a home environment may be stored in the portable storage device. Page 10, lines 18-24 of the specification teaches that, for example, information pertinent to the individual regarding recent home activities that relate to the areas of the individual’s lifestyle such as music listening can be manually or transparently loaded into the portable storage device. Page 11, lines 1-4 of the specification teaches that once this information is stored, operating parameters within a vehicle can be

changed by an on-board control vehicle control system using this information so as to provide an extended environment from the home to the vehicle.

As such, these portions of the specification teach how information regarding an individual's home activities are monitored with such information being used to control an operating parameter in a vehicle. For example, monitored information regarding the individual's home activities may indicate that the individual likes to listen to news. This information may then be used in the vehicle to control the vehicle's radio to play news stations. Accordingly, these portions of the specification generally teach how the claimed invention allows systems to be taught and adjusted accordingly to user's preferences and activities with the use of preference and pattern monitoring (see page 10, lines 9-11 and 28-32 of the specification).

Page 11, lines 1-11 of the specification teaches the converse action between the vehicle and an off-board environment such as a home environment. Specifically, page 11, lines 4-7 provides:

As within the home environment, the vehicle offers similar opportunities for a personalization storage device to acquire and use preference and pattern information related to vehicle usage. (Emphasis added.)

Accordingly, the specification teaches how "the off-board control system is arranged to set a variable operating value based on the information in the input signal and the information representative of vehicle usage". Further, the claim itself clearly recites that (a) the on-board control system is arranged to set the variable operating value based on the information in the input signal; and (b) the off-board control system is arranged to set a variable operating value based on (1) the information in the input signal and (2) the information representative of vehicle usage. Thus, the Applicant requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph.

**Claim Rejections – 35 U.S.C. § 103**

The Examiner rejected claims 1, 3-5, 7-9, 11-14, and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,808,374 issued to Miller et al. (“Miller”) in view of U.S. Patent No. 4,658,371 issued to Walsh et al. (“Walsh”). The Applicant respectfully traverses this rejection and believes that the claimed invention is patentable over any combination of Miller and Walsh.

The claimed invention generally differs from any combination of Miller and Walsh in that the portable information storage device receives and stores information representative of vehicle usage by the operator and that this information, along with information representative of an operating parameter stored in the portable storage device, is used by an off-board control system to set a variable operating parameter. As such, the claimed portable storage device provides information regarding vehicle usage along with information representative of the operating parameter with such pieces of information being used by a non-vehicle off-board control system to set a variable operating value. Accordingly, the claimed invention provides a more refined personalization between the vehicle and the external environment such as a home. This is a result of the claimed invention taken into consideration vehicle usage information as well as information representing an operating parameter for an off-board system to set a variable operating value.

In the final Office Action, the Examiner posited that Miller teaches the claimed invention with the exception of teaching (1) storing the vehicle usage in the portable storage device, and (2) a non-vehicle interface arranged to set a variable operating value based on (a) the stored information in the portable storage device and (b) the information representative of vehicle usage. The Examiner posited that Walsh teaches storing the vehicle usage in a portable storage device (col. 4, lines 33-37); accessing information stored on the portable device by an off-board computer (col. 4, lines 41-44); and setting a variable operating value based on (a) the information in the portable device and (b) the vehicle usage information (col. 4, lines 48-61; col. 6, lines 41-49). The Examiner posited that it would have been obvious to store the

vehicle usage information to the portable storage device of Miller in order to provide off-board services such as filling fuel to the vehicle as taught by Walsh.

The Applicant respectfully believes that any combination of the teachings of Miller and Walsh do not result in the claimed invention for the following reasoning. In the claimed invention, the off-board non-vehicle control system sets a variable operating value based on (1) the information in the input signal and (2) the information representative of vehicle usage. The information in the input signal is indicative of information representative of an operating parameter which can be set by an on-board vehicle control system. Accordingly, the off-board non-vehicle control system sets a variable operating value based on (1) information representative of an operating parameter which can be set by an on-board vehicle control system and (2) information representative of vehicle usage.

In contrast, the information stored in the portable storage device in Walsh includes information representative of vehicle usage but does not include information representative of an operating parameter which can be set by an on-board vehicle control system. As such, with respect to the Examiner's position that Walsh teaches setting a variable operating value based on "the information in the portable device and the vehicle usage information" (page 3 of the final Office Action) the Applicant posits that "the information in the portable device" of Walsh is only "the vehicle usage information." Accordingly, such vehicle usage information does not include information representative of an operating parameter which can be set by an on-board vehicle control system.

As noted by the Examiner, Miller does not teach a non-vehicle interface arranged to set a variable operating value based on (a) the stored information in the portable storage device (which is the information representative of an operating parameter which can be set by an on-board vehicle control system) and (b) the information representative of vehicle usage. Therefore, the combination of Miller and Walsh does not result in the claimed invention as neither Miller nor Walsh, either alone or in combination, teach or suggest a non-vehicle interface arranged to set a variable operating value based on (a) information

representative of an operating parameter which can be set by an on-board control system in addition to (b) the information representative of vehicle usage.

In view of the foregoing remarks, the Applicant believes that independent claims 1, 5, 9, and 14 are patentable over any combination of Miller and Walsh. Claims 3-4, 7-8, 11-13, and 16-17 depend from one of the independent claims and include the limitations thereof. Thus, the Applicant respectfully requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 103(a).

### CONCLUSION

In summary, claims 1, 3-5, 7-9, 11-14, and 16-17 meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

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